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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,418	09/05/2003	Hiroshi Yamaguchi	242220US6	5828

22850 7590 06/11/2010

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EXAMINER	
WHIPPLE, BRIAN P	

ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
06/11/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/654,418	YAMAGUCHI ET AL.	
	Examiner	Art Unit	
	BRIAN P. WHIPPLE	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-11 are pending in this application and presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/7/09 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1-11 have been considered, but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 9 and 11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. As to claim 9, the claimed embodiment may be interpreted as software per se or a transitory medium. The applicant is advised that recent guidelines suggest amending the claimed "computer program product" to be a "non-transitory computer program product" in order to avoid the interpretation as a transitory medium.

7. As to claim 11, the claimed embodiment may be interpreted as software per se. For example, the claimed mechanisms, detector, and connector may be implemented in software modules (see page 69, ln. 6-14 of the specification, "the above series of processes may be performed using software"). Software fails to fall into one of the four statutory classes of invention: process, machine, manufacture, or composition of matter.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1, 3, 5-6, 8-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavacheri et al. (Kavacheri), U.S. Publication No. 2004/0030746 A1, in view of Blewett et al. (Blewett), U.S. Patent No. 7,131,141 B1, further in view of Cho, U.S. Patent No. 6,922,728 B2, and further in view of Official Notice (See MPEP 2144.03).

10. As to claim 1, Kavacheri discloses an information processing apparatus having an interface for connection with networks (Fig. 2), the information processing apparatus comprising:

detecting means for detecting a first phase connection to a detected network (Abstract, ln. 1-6);

determination means for determining whether the managing means manages a managed entry corresponding to the detected network when the detecting means has detected the first phase connection to the detected network ([0097]; the initial connection to determine if an exact match for the client can be found may be interpreted as the first phase connection to the network); and

establishing means for automatically establishing a second phase connection to the detected network based on the managed entry if the determination means determines that the managing means manages the managed entry corresponding to the detected network

(Fig. 6; [0060]; [0062], ln. 1-3; [0102]; the subsequent loading of client data from cached entries may be interpreted as the second phase connection to the network),

said establishing means including a switcher configured to switch access to the detected network using the first phase connection and the second phase connection when a predetermined condition is determined to exist (Abstract; [0062], ln. 1-3; the first phase connection of providing relevant client information is switched to a second phase connection as a result of the "hierarchal search" identifying "appropriate device specific templates").

Kavacheri is silent on managing means for managing settings for connectable networks as profiles on a network by network basis;

detecting the first phase connection to the detected network when said information processing apparatus is moved into a location covered by said detected network;

the managed entry being a managed profile; and

said switcher includes an icon display mechanism configured to produce an icon on a display that notifies a user that the switcher is an active process.

However, Blewett discloses managing means for managing settings for connectable networks as profiles on a network by network basis (Abstract; Fig. 1A; Fig. 1C; Col. 6, ln. 62-66); and

the managed entry being a managed profile (Abstract; Fig. 1A; Fig. 1C; Col. 6, ln. 62-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kavacheri in the aforementioned manner as taught by Blewett in order to provide secure connections based on a standard means of storing information on users or devices, such as profiles.

Kavacheri and Blewett are silent on detecting the first phase connection to the detected network when said information processing apparatus is moved into a location covered by said detected network; and

said switcher includes an icon display mechanism configured to produce an icon on a display that notifies a user that the switcher is an active process.

However, Cho discloses detecting the first phase connection to the detected network when said information processing apparatus is moved into a location covered by said detected network (Col. 12, ln. 18-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kavacheri and Blewett in the aforementioned manner as taught by Cho in order to automatically switch the connection used to access the Internet based on the best available connection at the time (Cho: Col. 12, ln. 18-44).

Kavacheri, Blewett, and Cho are silent on said switcher includes an icon display mechanism configured to produce an icon on a display that notifies a user that the switcher is an active process.

However, Official Notice is taken that a switcher including an icon display mechanism configured to produce an icon on a display that notifies a user that the switcher is an active process was well known in the art at the time of the invention. Displaying an icon or notification graphic to a user based on active processes was well known (e.g., displaying a notification in the system tray when a network connection is switched, for example, to another wireless network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kavacheri, Blewett, and Cho in the aforementioned manner as was well known in the art in order to display information to a user via a convenient means in a graphical user interface.

11. As to claim 3, Kavacheri, Blewett, and Cho disclose the invention substantially as in parent claim 1, wherein the detecting means detects, as the first phase connection, a connection to a detected gateway that manages a network (Blewett: Col. 10, ln. 14-22),

wherein the determination means determines whether the managing means manages a profile relating to the detected gateway (Blewett: Col. 10, ln. 14-22; Col. 11, ln. 18-29 and 53-55), and

wherein the establishing means establishes the second phase connection to the detected gateway in accordance with the managed profile relating to the detected gateway (Blewett: Col. 11, ln. 53 – Col. 12, ln. 18).

12. As to claim 5, Kavacheri, Blewett, and Cho disclose the invention substantially as in parent claim 1, wherein using an IP address, the determination means determines whether the managing means manages the managed profile, relating to the detected network detected by the detecting means (Blewett: Col. 11, ln. 18-29 and 53-55).

13. As to claim 6, Kavacheri, Blewett, and Cho disclose the invention substantially as in parent claim 1, wherein if the interface of the detected network is one of a wired LAN interface and a wireless LAN interface, the first phase connection is a connection to a gateway that manages the detected network, and the second phase connection is a connection to another apparatus through the gateway (Blewett: Fig. 1A; Col. 3, ln. 25-38), and

wherein if the interface of the detected network is a modem, the first phase connection is a connection to an ISP, and the second phase connection is a connection to another apparatus through the ISP (Blewett: Col. 3, ln. 17-21 and 38-42).

14. As to claims 8-9 and 11, the claims are rejected for reasons similar to claim 1 above.

15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kavacheri, Blewett, and Cho as applied to claim 1 above, in view of Ogle et al. (Ogle), U.S. Patent No. 6,052,736.

16. As to claim 2, Kavacheri, Blewett, and Cho disclose the invention substantially as in parent claim 1, wherein the detecting means detects the first phase connection to the detected network (Blewett: Col. 11, ln. 18-29), but is silent on the detecting step occurring by determining whether or not a routing table is modified.

However, Ogle discloses the detecting step occurring by determining whether or not a routing table is modified (Col. 6, ln. 11-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kavacheri, Blewett, and Cho by determining whether or not a routing table is modified as taught by Ogle in order to reduce the overhead associated with creating and maintaining a routing table (Ogle: Col. 5, ln. 37-50).

17. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kavacheri, Blewett, and Cho as applied to claim 1 above, in view of Beck, U.S. Patent No. 6,671,273 B1.

18. As to claim 4, Kavacheri, Blewett, and Cho disclose the invention substantially as in parent claim 1, wherein the detecting means detects the first connection to the detected network (Blewett: Col. 11, ln. 18-29), and determining whether the managing means manages the profile relating to the detected network detected by the detecting means (Col. 11, ln. 18-29).

Kavacheri, Blewett, and Cho are silent on counter means for counting up by one when the detecting means detects the first phase connection to the detected network, and

zero determination means that determines whether a subtracting of one from the count of the counter means makes zero when the detecting means detects the first phase connection to the detected network,

wherein the zero determination means determines whether the managing means manages the managed profile relating to the detected network detected by the detecting means when the zero determination means determines that subtracting of one from the counter of the counter means makes zero,

wherein the establishing means establishes the second phase connection to the detected network in accordance with the managed profile relating to the detected network while the zero determination means determines that the subtracting of one from the count of the counter means makes zero.

However, Beck discloses counter means for counting up by one when the detecting means detects the first phase connection to the detected network (Fig. 4; Col. 5, ln. 27-30 and 43-48), and

zero determination means that determines whether a subtracting of one from the count of the counter means makes zero when the detecting means detects the first phase connection to the detected network (Col. 6, ln. 52-61),

wherein the zero determination means determines whether the managing means manages the managed profile relating to the detected network detected by the detecting means when the zero determination means determines that subtracting of one from the counter of the counter means makes zero (Col. 6, ln. 52-61),

wherein the establishing means establishes the second phase connection to the detected network in accordance with the managed profile relating to the detected network while the zero determination means determines that the subtracting of one from the count of the counter means makes zero (Col. 6, ln. 52-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kavacheri, Blewett, and Cho by examining a counter to determine if registration (i.e. management) of a connection needs to occur as taught by Beck in order to minimize the overhead operations associated with registering (i.e. managing) connections (Beck: Col. 2, ln. 46-52).

19. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kavacheri, Blewett, and Cho as applied to claim 1 above, in view of Winkler, U.S. Publication No. 2003/0070100 A1.

20. As to claim 7, Kavacheri, Blewett, and Cho disclose the invention substantially as in parent claim 1, wherein a second phase connection to the network is established by the establishing means (Blewett: Col. 11, ln. 53 – Col. 12, ln. 18), but are silent on starter means which automatically starts a predetermined software application set by a user when the second phase connection to the network is established by the establishing means.

However, Winkler discloses starter means which automatically starts a predetermined software application set by a user when the second phase connection to the network is established by the establishing means ([0012]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kavacheri, Blewett, and Cho by automatically starting a predetermined software application set by a user when a connection to the network is established as taught by Winkler in order to authenticate a user and then launch the desired application for the user ([0008]; [0012]).

21. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kavacheri, Blewett, and Cho as applied to claim 3 above, in view of Koyanagi et al. (Koyanagi), U.S. Publication No. 2001/0013067 A1.

22. As to claim 10, Kavacheri, Blewett, and Cho disclose the invention substantially as in parent claim 3, wherein said detecting means detects, as said first phase connection, plural connections to plural gateways (Blewett: Fig. 1A), and said establishing means automatically establishes said second phase connection to the gateway of the managed profile (Blewett: Col. 8, ln. 52-55, "automatically translates the destination address and routes the packet to the proper host in the worknet"; Col. 11, ln. 18-32, "rule set assures that only packets from the protected resource network are accepted from the tunnel, and that only packets bound for worknet are accepted from the tunnel"; Col. 11, ln. 53 – Col. 12, ln. 18).

Kavacheri, Blewett, and Cho are silent on establishing a connection to a gateway which has a lowest value of a metric.

However, Koyanagi discloses establishing a connection to a gateway which has a lowest value of a metric (Abstract; [0056]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kavacheri, Blewett, and Cho by establishing a connection to a gateway which has a lowest value of a metric as taught by Koyanagi in order

select an appropriate network for data transmission based on either a lowest data transmission time or a lowest data transmission fee (Koyanagi: [0056]).

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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